

Edwards,Michelle

From: Wickens, Ryan [Ryan.Wickens@VigoCounty.IN.Gov]
Sent: Thursday, April 14, 2016 11:13 AM
To: Edwards,Michelle
Subject: RE: Special ordinance 6, 2016
Attachments: Variance Petition for 401 Davis Avenue.pdf

FILED

APR 14 2016

CITY CLERK

Michelle,

Attached is a copy of the variance petition for 410 Davis Avenue.

Ryan

From: Edwards,Michelle [mailto:Michelle.Edwards@TerreHaute.IN.Gov]
Sent: Thursday, April 14, 2016 11:02 AM
To: Wickens, Ryan
Subject: Special ordinance 6, 2016

Hello,

Concerning Special Ordinance 6, 2016 (401 Davis), has a variance been applied for or granted?

Thanks!

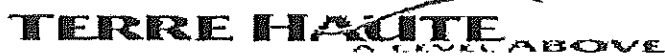
Michelle



Edwards, Michelle
Chief Deputy City Clerk
Administrative Assistant-City Council
City Clerk's Office
(812) 232-3375 Work
(812) 244-2131 Direct
Michelle.Edwards@TerreHaute.IN.Gov
17 Harding Ave
Room 102 City Hall
Terre Haute, IN 47802

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The City of Terre Haute 17 Harding Avenue Terre Haute, IN 47807

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Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: April 11, 2016

Name: Wright Shazley + Lowery

Reason: Variance - Jennifer + Todd Atkinson \$30.00

TERRE HAUTE, IN
PAID

APR 11 2016

Cash: _____

Check: \$30.00 OK# 65781

CONTROLLER

Credit: _____

Total: \$30.00

Received By: M. Power / [Signature]

TERRE HAUTE
A LEVEL ABOVE
Board of Zoning Appeals
CITY OF TERRE HAUTE, INDIANA

APPLICATION IS HEREBY MADE TO THE BOARD OF ZONING APPEALS FOR VARIANCE(S) AND SPECIAL USES(S) AS FOLLOWS:

Building Line Setback: N/A

Off-Street Parking Spaces: N/A

Other Variance(s), or Special Use(S): A variance from Section 10-205 E(a) to reduce the required minimum fifty foot (50') wide buffered space.

Location: 410 Davis Avenue, Terre Haute, IN

Sketch Attached: Yes

Official Description of Property (From Deeds): See attached Deeds

Lot Number(s):

Block Number: N/A

Subdivision: N/A

Quarter Section: 4 Township: 11 Range: 9

Present Use Zoning: R-1 Single Family Residence District

Proposed Use Zoning: C-2 Limited Community Commerce District

Owners of Property: Jennifer and Todd Atterson

Lot Dimensions: Width _____ Depth _____ Area _____ sq ft (on Site Plan)

Structure Size: _____

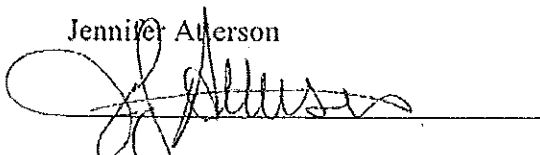
Structure Area: _____ sq ft Storage _____ Height: _____

B/L Setbacks: Street _____ Interior _____ Rear _____ Accessory _____

Petitioner Seeks Variance(s) or Special Use(s) for the following reason(s): Due to the size of the lot and existing building, it does not meet the required buffer space and therefore the owners are requesting a variance of the required minimum amount of fifty feet (50') to be lowered to four feet (4').

Respectfully submitted this 8th day of April, 2016.

Jennifer Atterson



CONTACT

Richard J. Shagley II
Wright, Shagley & Lowery, P.C.
500 Ohio St., PO Box 9849
Terre Haute, IN 47808
(812) 232-3388

Todd Atterson

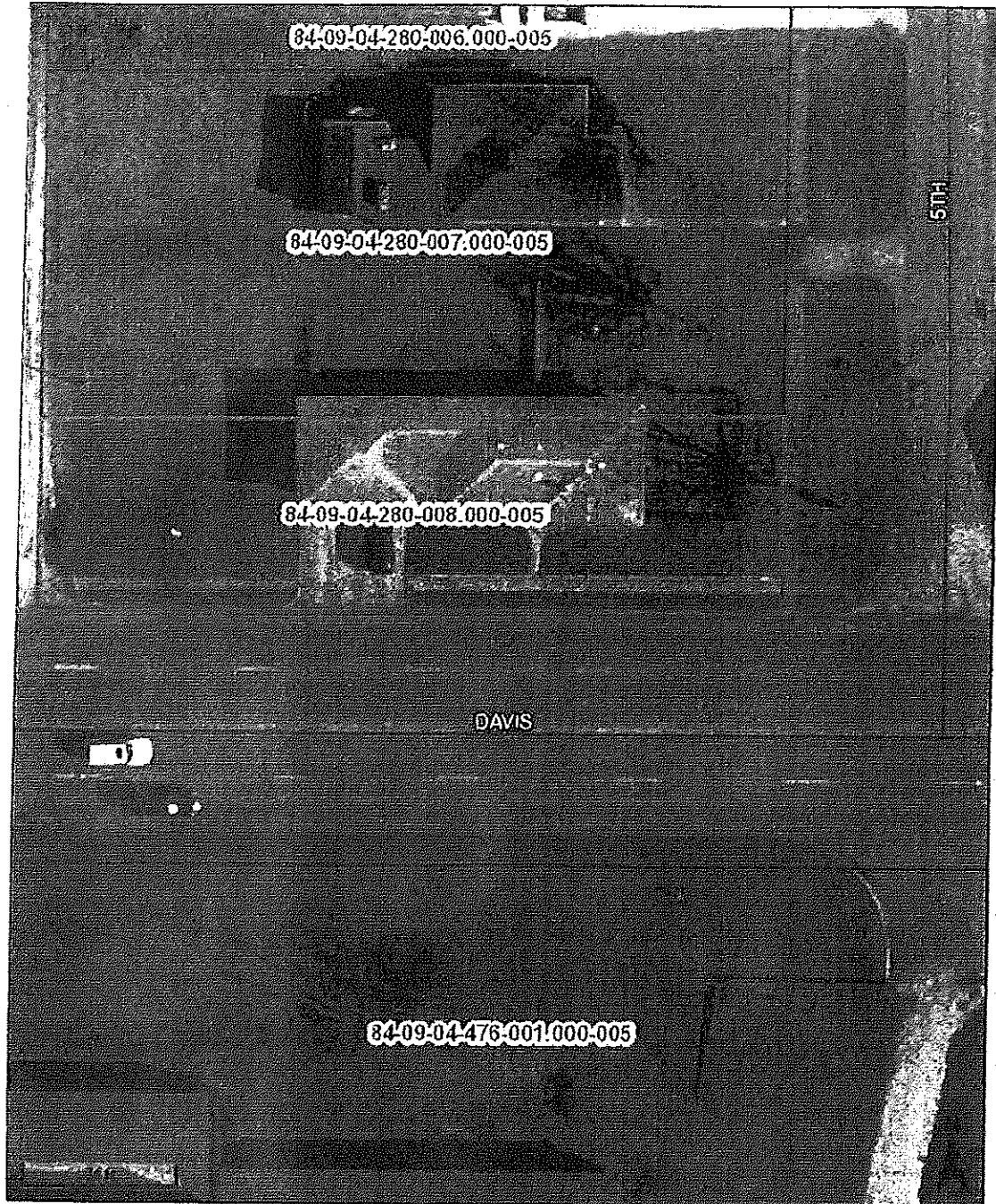


Vigo County Area Planning Dept.
159 Oak Street
Terre Haute, IN 47807
(812) 462-3354

Note: The property owner is responsible for determining if "Subdivision Covenants" or "Deed Restrictions" are greater than the Zoning Ordinance Regulations and that Board approval for variances on any requirement of the Zoning Regulations DOES NOT release the property owner from compliance with those covenants or restrictions.

SITE PLAN

R-1 to C-2



Overview

Legend

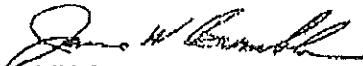
- ☐ Corporate Limits
- ☐ Political Township
- ☐ Sections
- ☐ Blocks
- ☐ Parcels
- ☐ Road Centerlines

Parcel ID	84-09-04-280-008.000-005	Alternate ID	119-09-04-280-008	Owner Address	ATTERSON TODD & JENNIFER ATTERSON 6768 WABASH AVE TERRE HAUTE, IN 47803
Sec/Twp/Rng	4	Class	Res 1 fam dwelling platted lot		
Property Address	410 DAVIS AVE TERRE HAUTE	Acreage	0.15		
District	005 HONEY CREEK				
Brief Tax Description	MEYERS 2ND ADD 2005003079 D-440/1984 4-11-9 LOT 79 BLOCK 1 (Note: Not to be used on legal documents)				

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAR 07 2005

RAYMOND WATTS
VIGO County Recorder IN
IN 2005003079 WD
03/07/2005 14:56:59 2 PGS
Filing Fee: \$16.00


VIGO COUNTY AUDITOR

LIMITED LIABILITY COMPANY WARRANTY DEED

THIS INDENTURE WITNESSETH:

THRESHOLD DEVELOPMENT, LLC, an Indiana Limited Liability Company, as Grantor, CONVEYS AND WARRANTS to **TODD ATTERSON AND JENNIFER ATTERSON**, Husband and Wife, as Grantees, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lot Number Seventy-nine (79) in Meyer's Second Subdivision of Section Four (4) Township Eleven (11) North, Range 9 West, as appears on the recorded Plat of said Subdivision in Plat Record 11, page 40 of the records of the Recorder's Office of Vigo County, Indiana.

Commonly known as 410 Davis Avenue, Terre Haute, IN 47805.

Grantor certifies that there is no Indiana Gross Income Tax due on this transaction at the time of closing.

The undersigned person executing this Deed on behalf of the Grantor represents and certifies that he is a member of Grantor and has been fully empowered by proper resolution of the Grantor, to execute and deliver this Deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Threshold Development, LLC, has caused this Deed to be executed this 7th day of March, 2005.

Threshold Development, LLC

By: 
Timothy E. Fears, Member

**Board of Zoning Appeals
CITY OF TERRE HAUTE, INDIANA**

STATEMENT
by
ADJACENT PROPERTY OWNER

TO PROPERTY LOCATED AT 410 Davis Avenue, Terre Haute, Indiana

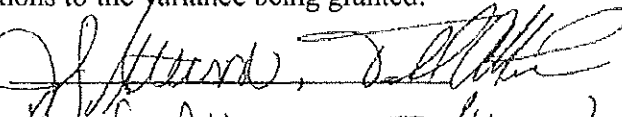
I (WE), Todd and Jennifer Atterson, understand that Jennifer and Todd Atterson propose a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

And is requesting the following variance(s): a variance to reduce the required amount of buffer space from fifty feet (50') to four feet (4').

I (WE) have no objections to the variance being granted.

NAME:

Printed:


Jennifer Atterson, Todd Atterson

ADDRESS:

Todd A. and Jennifer Atterson
3417 S. 5th Street and 410 E. Davis Avenue
Terre Haute, IN 47802

DATE:

April 8, 2016


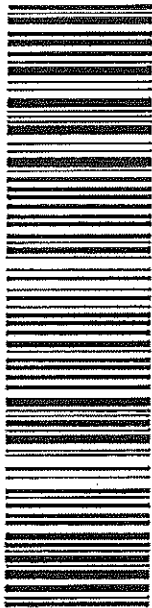
PARCEL NO(S):

84-09-04-280-006.000-005 and 84-09-04-280-008.000-005

RICHARD J. SHAGLEY, II
WRIGHT, SHAGLEY & LOWERY, P.C.
500 OHIO ST # 9849
TERRE HAUTE, IN 47807-3517

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<div> RICHARD J. SHAGLEY, II WRIGHT, SHAGLEY & LOWERY, P.C. 500 OHIO ST # 9849 TERRE HAUTE, IN 47807-3517 TERRE HAUTE 2004 HOLDINGS, LLC 802 MORRIS TPKE STE 102 SHORT HILLS, NJ 07078-2698</div>	
<div>USPS SIGNATURE TRACKING #  9202 1901 0661 5400 0083 7992 82 Electronic Rate Approved #901066154</div>	

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47807-3517

Phone: 812.232.3388
Fax: 812.232.8817

www.wsllfirm.com

April 8, 2016

Via Signature Confirmation

Terre Haute 2004 Holdings, LLC
802 Morris Turnpike, Ste 102
Short Hills, NJ 07078

Richard J. Shagley
rshagley@wsllfirm.com

Bradley A. Bough*
bbough@wsllfirm.com

Richard J. Shagley II
rshagley2@wsllfirm.com

Thomas S. Clary II***
tclary@wsllfirm.com

Michael J. Wright
mwright@wsllfirm.com

Derek W. Conner
dconner@wsllfirm.com

Ann Smith Mischler**
amischler@wsllfirm.com

Robert L. Wright
of Counsel

Norman L. Lowery
of Counsel

*Registered Civil Mediator

**Registered Family Law Mediator

***Also Licensed in Illinois

RE: Variance of required buffer space

To Whom It May Concern:

Please be advised that we represent Jennifer and Todd Atterson who filed a request for a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

If you have any questions with regard to the variance, please do not hesitate to contact me.

If this Statement of Adjacent Property Owner meets with your approval, please execute the same where noted and return it to me in the enclosed envelope.

If we can be of assistance relative to the information related to the parking variance, please do not hesitate to contact us.

Sincerely yours,

WRIGHT, SHAGLEY & LOWERY, P.C.

Richard J. Shagley II

RJSII/ja

Enc. Statement of Adjacent Property Owner

**Board of Zoning Appeals
CITY OF TERRE HAUTE, INDIANA**

STATEMENT
by
ADJACENT PROPERTY OWNER

TO PROPERTY LOCATED AT 410 Davis Avenue, Terre Haute, Indiana

I (WE), Terre Haute 2004 Holdings, LLC, understand that Jennifer and Todd Atterson propose a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

And is requesting the following variance(s): a variance to reduce the required amount of buffer space from fifty feet (50') to four feet (4').

I (WE) have no objections to the variance being granted.

NAME: _____

Printed: _____

ADDRESS: Terre Haute 2004 Holdings, LLC
 3360 US 41 Hwy 41 South
 Terre Haute, IN 47802

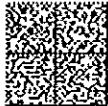
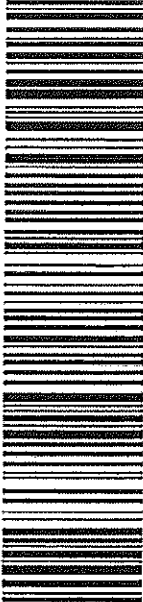
DATE: _____

PARCEL NO(S): 84-09-04-252-017.000-005

RICHARD J. SHAGLEY, II
WRIGHT, SHAGLEY & LOWERY, P.C.
500 OHIO ST # 9849
TERRE HAUTE, IN 47807-3517

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RICHARD J. SHAGLEY, II WRIGHT, SHAGLEY & LOWERY, P.C. 500 OHIO ST # 9849 TERRE HAUTE, IN 47807-3517	
GARY E. FEARS AND SUSAN WAHL 3421 S 5TH ST TERRE HAUTE, IN 47802-4011	
USPS SIGNATURE TRACKING #	
	
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www.wsfirm.com

April 8, 2016
Via Signature Confirmation

Gary E. Fears and Susan Wahl
3421 S. 5th Street
Terre Haute, IN 47802

RE: Variance of required buffer space

To Whom It May Concern:

Please be advised that we represent Jennifer and Todd Atterson who filed a request for a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

If you have any questions with regard to the variance, please do not hesitate to contact me.

If this Statement of Adjacent Property Owner meets with your approval, please execute the same where noted and return it to me in the enclosed envelope.

If we can be of assistance relative to the information related to the parking variance, please do not hesitate to contact us.

Sincerely yours,

WRIGHT, SHAGLEY & LOWERY, P.C.

Richard J. Shagley II

Richard J. Shagley
rshagley@wsfirm.com

Bradley A. Bough
bbough@wsfirm.com

Richard J. Shagley II
richards@wsfirm.com

Thomas S. Clary II***
tclary@wsfirm.com

Michael J. Wright
mjwright@wsfirm.com

Derek W. Conner
dconner@wsfirm.com

Ann Smith Mischler**
asmischler@wsfirm.com

Robert L. Wright
of Counsel

Norman L. Lowery
of Counsel

*Registered Civil Mediator

**Registered Family Law Mediator

***Also Licensed in Illinois

RJSII/ja

Enc. Statement of Adjacent Property Owner

**Board of Zoning Appeals
CITY OF TERRE HAUTE, INDIANA**

STATEMENT
by
ADJACENT PROPERTY OWNER

TO PROPERTY LOCATED AT 410 Davis Avenue, Terre Haute, Indiana

I (WE), Gary E. Fears and Susan Wahl, understand that Jennifer and Todd Atterson propose a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

And is requesting the following variance(s): a variance to reduce the required amount of buffer space from fifty feet (50') to four feet (4').

I (WE) have no objections to the variance being granted.

NAME: _____

Printed: _____

ADDRESS: Gary E. Fears and Susan Wahl
3421 S. 5th Street
Terre Haute, IN 47802

DATE: _____

PARCEL NO(S): 84-09-04-280-007.000-005

RICHARD J. SHAGLEY, II
WRIGHT, SHAGLEY & LOWERY, P.C.
500 OHIO ST # 9849
TERRE HAUTE, IN 47807-3517

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500 OHIO ST # 9849
TERRE HAUTE, IN 47807-3517



DENNIS AND KATHLEEN ATTERSON
6808 WABASH AVE
TERRE HAUTE, IN 47803-3946

USPS SIGNATURE TRACKING #



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Fax: 812.232.8817
www.wsfirm.com

April 8, 2016
Via Signature Confirmation

Dennis A. and Kathleen A. Atterson, Trustees
6808 Wabash Avenue
Terre Haute, IN 47803

Richard J. Shagley
rshagley@wsfirm.com

Bradley A. Bough*
bbough@wsfirm.com

Richard J. Shagley II
richards@wsfirm.com

Thomas S. Clary II***
tclary@wsfirm.com

Michael J. Wright
mwright@wsfirm.com

Derek W. Conner
dconner@wsfirm.com

Ann Smith Mischler**
amischler@wsfirm.com

Robert L. Wright
of Counsel

Norman L. Lowery
of Counsel

*Registered Civil Mediator
**Registered Family Law Mediator
***Also Licensed in Illinois

RE: Variance of required buffer space

To Whom It May Concern:

Please be advised that we represent Jennifer and Todd Atterson who filed a request for a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

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If we can be of assistance relative to the information related to the parking variance, please do not hesitate to contact us.

Sincerely yours,

WRIGHT, SHAGLEY & LOWERY, P.C.

Richard J. Shagley II

RJSII/ja

Enc. Statement of Adjacent Property Owner

**Board of Zoning Appeals
CITY OF TERRE HAUTE, INDIANA**

STATEMENT
by
ADJACENT PROPERTY OWNER

TO PROPERTY LOCATED AT 410 Davis Avenue, Terre Haute, Indiana

I (WE), Dennis A. Atterson, as Trustee of the D.A. Atterson Revocable Trust and Kathleen A. Atterson, Trustee of the K.A. Atterson Revocable Trust, understand that Jennifer and Todd Atterson propose a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana. And is requesting the following variance(s): a variance to reduce the required amount of buffer space from fifty feet (50') to four feet (4').

I (WE) have no objections to the variance being granted.

NAME: _____

Printed: _____

ADDRESS: Dennis A. Atterson and Kathleen A. Atterson, Trustees
500 E. Davis Drive
Terre Haute, IN 47802

DATE: _____

PARCEL NO(S): 84-09-04-281-007.000-005

RICHARD J. SHAGLEY, II
WRIGHT, SHAGLEY & LOWERY, P.C.
500 OHIO ST # 9849
TERRE HAUTE, IN 47807-3517

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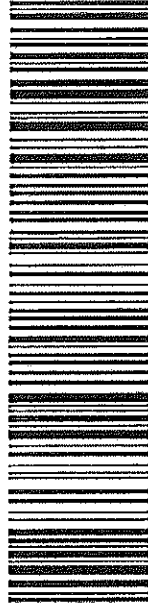
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WRIGHT, SHAGLEY & LOWERY, P.C.
500 OHIO ST # 9849
TERRE HAUTE, IN 47807-3517



MMM OF TERRE HAUTE, INC
PO BOX 9809
TERRE HAUTE, IN 47808-2009

USPS SIGNATURE TRACKING #



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Electronic Rate Approved #901066154

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Phone: 812.232.3388
Fax: 812.232.8817
www.wsllfirm.com

April 8, 2016
Via Signature Confirmation

MMM of Terre Haute, Inc.
PO Box 8328
Terre Haute, IN 47808

Richard J. Shagley
rshagley@wsllfirm.com

Bradley A. Bough*
bbough@wsllfirm.com

Richard J. Shagley II
richards@wsllfirm.com

Thomas S. Clary II***
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Ann Smith Mischler**
amischler@wsllfirm.com

Robert L. Wright
of Counsel

Norman L. Lowery
of Counsel

*Registered Civil Mediator
**Registered Family Law Mediator
***Also Licensed in Illinois

RE: Variance of required buffer space

To Whom It May Concern:

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If you have any questions with regard to the variance, please do not hesitate to contact me.

If this Statement of Adjacent Property Owner meets with your approval, please execute the same where noted and return it to me in the enclosed envelope.

If we can be of assistance relative to the information related to the parking variance, please do not hesitate to contact us.

Sincerely yours,

WRIGHT, SHAGLEY & LOWERY, P.C.

Richard J. Shagley II

RJSII/ja

Enc. Statement of Adjacent Property Owner

**Board of Zoning Appeals
CITY OF TERRE HAUTE, INDIANA**

STATEMENT
by
ADJACENT PROPERTY OWNER

TO PROPERTY LOCATED AT 410 Davis Avenue, Terre Haute, Indiana

I (WE), MMM of Terre Haute, Inc., understand that Jennifer and Todd Atterson propose a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

And is requesting the following variance(s): a variance to reduce the required amount of buffer space from fifty feet (50') to four feet (4').

I (WE) have no objections to the variance being granted.

NAME: _____

Printed: _____

ADDRESS: **MMM of Terre Haute, Inc.**
 401 Davis Avenue
 Terre Haute, IN 47802


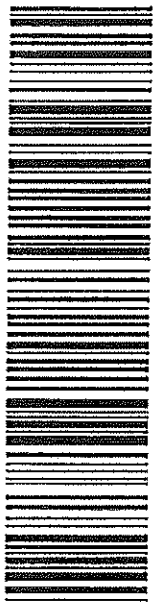
DATE: _____


PARCEL NO(S): **84-09-04-402-001.000-005**

RICHARD J. SHAGLEY, II
WRIGHT, SHAGLEY & LOWERY, P.C.
500 OHIO ST # 9849
TERRE HAUTE, IN 47807-3517

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Fax: 812.232.8817
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Richard J. Shagley
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Bradley A. Bough*
bbough@wsfirm.com

Richard J. Shagley II
richards@wsfirm.com

Thomas S. Clary II***
tclary@wsfirm.com

Michael J. Wright
mwright@wsfirm.com

Derek W. Conner
dconner@wsfirm.com

Ann Smith Mischler**
amischler@wsfirm.com

Robert L. Wright
of Counsel

Norman L. Lowery
of Counsel

*Registered Civil Mediator
**Registered Family Law Mediator
***Also Licensed in Illinois

April 8, 2016
Via Signature Confirmation

Vigo County School Corporation
PO Box 3703
686 Wabash Avenue
Terre Haute, IN 47803

RE: Variance of required buffer space

To Whom It May Concern:

Please be advised that we represent Jennifer and Todd Atterson who filed a request for a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

If you have any questions with regard to the variance, please do not hesitate to contact me.

If this Statement of Adjacent Property Owner meets with your approval, please execute the same where noted and return it to me in the enclosed envelope.

If we can be of assistance relative to the information related to the parking variance, please do not hesitate to contact us.

Sincerely yours,

WRIGHT, SHAGLEY & LOWERY, P.C.

Richard J. Shagley II

RJSII/ja

Enc. Statement of Adjacent Property Owner

**Board of Zoning Appeals
CITY OF TERRE HAUTE, INDIANA**

STATEMENT
by
ADJACENT PROPERTY OWNER

TO PROPERTY LOCATED AT 410 Davis Avenue, Terre Haute, Indiana

I (WE), Vigo County School Corporation, understand that Jennifer and Todd Atterson propose a variance from the required minimum buffer space of fifty feet (50') for real estate located at 410 Davis Avenue, Terre Haute, Indiana.

And is requesting the following variance(s): a variance to reduce the required amount of buffer space from fifty feet (50') to four feet (4').

I (WE) have no objections to the variance being granted.

NAME: _____

Printed: _____

ADDRESS: **Vigo County School Corporation
3737 S. 7th Street and 501 E. Davis Drive
Terre Haute, IN 47802**

DATE: _____

PARCEL NO(S): **84-09-04-426-003.000-005 and 84-09-04-476-001.000-005**